

TOWN OF WEST GARDINER

SOLAR ENERGY SYSTEMS ORDINANCE

Section 1. Title

This Ordinance shall be known and may be cited as the “Solar Energy Systems Ordinance.”

Section 2. Purpose

The purpose of this ordinance is to regulate Large-Scale Solar Energy Systems. These standards are intended to:

- a. Encourage the development of on-site energy production and consumption.
- b. Protect the public health, safety, and welfare.
- c. Minimize any potential adverse effect of solar development on surrounding properties.
- d. Support the goals and policies of the Comprehensive Plan, including orderly development, efficient use of infrastructure, and protection of natural, scenic, and agricultural resources.

Section 3. Applicability and Prohibition

Large-Scale Solar Energy Systems (LSSSES) typically characterized as “solar farms” and Grid-Scale Energy Storage Systems capable of storing energy provided by LSSSES are not permitted in the Town of West Gardiner.

A LSSSES approved for construction prior to the effective date of this Ordinance shall not be required to meet the terms and conditions of this Ordinance. Any physical modification to any existing LSSSES that expands or relocates the footprint of the LSSSES, shall not be allowed in the Town. Routine maintenance or replacements are allowed activities under this Ordinance and do not require a permit.

Section 4. Definitions

Solar Energy System (SES): a solar photovoltaic cell, module, or array, or solar hot air or water collector device, including all Solar Related Equipment, which relies upon solar radiation as an energy source for collection, inversion, storage, and distribution of solar energy for electricity generation or transfer of stored heat.

Solar Energy System, Ground-Mounted. A Solar Energy System that is structurally mounted to the ground and is not roof-mounted; may be of any size (small or large-scale).

Solar Energy System, Roof-Mounted. A Solar Energy System that is mounted on the roof of a building or structure; may be of any size (small or large-scale).

Solar Energy System, Large-Scale. A Solar Energy System whose physical size based on total airspace projected over the ground is equal to or greater than 3000 square feet, and/or that generates a nameplate capacity of 20 kW or greater.

Solar Energy System, Small-Scale. Also known as an Accessory-Scale System. A Solar Energy System whose physical size based on total airspace projected over the ground is less than 3,000 square feet and/or that generates a nameplate capacity of less than 20 kW. Such a system may consist of one (1) or more freestanding ground, or roof mounted, solar arrays, or solar related equipment, and is intended to primarily reduce on-site consumption of utility power or fuels. Such a system generally occupies ~1,750 square feet of surface area or less (equivalent to a rated nameplate capacity of about 10 kW or less).

Solar Energy System, Large-Scale Exception. A Solar Energy System, Large-Scale, shall not include any Solar Energy System that is Under Development prior to December 1st, 2022. “Under Development” shall mean any Solar Energy System, Large-Scale, that has applied for interconnection to Central Maine Power Company’s transmission and distribution system or otherwise made similar progress towards commercial operation through the expenditure of significant time and resources.

Grid-Scale Solar Energy Storage System. A grid-scale solar energy storage system means a commercially available technology that uses mechanical, chemical or thermal processes for absorbing energy supplied by LSSSES and storing it for a period of time for use at a later time.

Kilowatt (kW): a unit for measuring power that is equivalent to 1,000 watts. Megawatt (MW): a unit for measuring power that is equivalent to one million watts, or 1,000 kilowatts.

Megawatt Hour (MWh): A megawatt hour is equal to 1,000 Kilowatt hours (KWh). It is equal to 1,000 kilowatts of electricity used continuously for one hour.

Rated Nameplate Capacity. The maximum rated output of electric power production of the photovoltaic system in watts of Direct Current (DC).

Solar Energy. Radiant energy (direct, diffuse and/or reflective) received from the sun.

Solar Array. A grouping of multiple solar modules with the purpose of harvesting solar energy.

Solar Farm. See Solar Energy System, Large-Scale.

Solar Related Equipment. Items including a solar photovoltaic cell, module, or array, or solar hot air or water collector device panels, lines, pumps, batteries, mounting brackets, framing, fencing, foundations or other structures used or intended to be used for collection and management of solar energy.

Section 5. Exemptions

The following Solar Energy Systems are exempt from this Ordinance:

1. Roof-mounted on any legally permitted residential or residential accessory structure.
2. Ground - or pole-mounted for private use, with a panel area less than 5,000 square feet.

3. Building integrated solar (i.e., shingle, hanging solar, canopy, etc...).
4. Repair or replacement of Solar Energy System components that do not enlarge the area of the existing Solar Energy System.
5. Commercial buildings utilizing solar energy for on-site operational purposes only.

Section 6. Authority

1. This Ordinance is adopted pursuant to the enabling provisions of Article VIII, Part 2, Section 1 of the Maine Constitution and the provisions of 30-A, M.R.S. § 3001, Ordinance Power
2. To the extent that any provision of this Ordinance is deemed invalid by a court of competent jurisdiction, such provision shall be removed from the Ordinance and the balance of the Ordinance shall remain valid.

Section 7. Effective Date and Duration

This Ordinance shall take effect upon enactment by the Town of West Gardiner unless otherwise provided and shall remain in effect until it is amended or repealed.

Section 8. Enforcement Violations and Penalties

This Ordinance shall be enforced by the CEO or his/her designee. Violations of this Ordinance shall be subject to the enforcement and penalty provisions of 30-A M.R.S. § 4452.

Article 5: To enact an Ordinance titled "Town of West Gardiner Solar Energy Systems Ordinance."

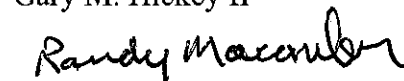
Adopted as written 10/05/2023

Certified by:


Angela J. Phillis


Gregory A. Couture


Gary M. Hickey II


Randall W. Macomber
Select Board
Town of West Gardiner